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April 23, 2024

VIA ECF

Hon. Philip M. Halpern
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: Safranek v. Wormuth, et al., No. 23 Civ. 5985 (PMH) (JCM)

Dear Judge Halpern:

Our office represents Plaintiff Austin Safranek, a former West Point Cadet, in the above-referenced matter.

Mr. Safranek filed an action under the APA seeking judicial review of an adverse determination by the Army Board for the Correction of Military Records concerning his separation from the Academy and subsequent dismissal from the military. The matter was remanded by Your Honor back to the ABCMR on consent of the parties, with instructions by the Court, for a new determination by the ABCMR. As set forth in a status report to the Court submitted jointly by counsel for the parties dated April 1, 2024 (ECF Doc. 17), Plaintiff prevailed in the new determination by the ABCMR following additional briefing of issues before the ABCMR. The Court closed this matter, subject to it being reopened upon application of the parties in connection with the remaining issue regarding the amount of Plaintiff's attorney's fees recoverable under the Equal Access to Justice Act.

Your Honor set a date of May 3, 2024, by which counsel should file an application to reopen the case with respect to the fee application (ECF Doc. 18). I can report that the parties, through counsel, have diligently been discussing the attorney fees issue in good faith but anticipate requiring additional time to resolve this matter without the need to seek the intervention of the Court.

Accordingly, I respectfully request that the Court extend the date by which an application must be made to reopen the case to deal with the attorney fees matter from May 3 to June 3, 2024. AUSA David E. Farber, counsel for Defendants Hon. Christine E. Wormuth, Secretary of the

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Army, and Lt. Gen. Steven W. Gilland, Superintendent at West Point Military Academy at West Point has authorized me to state that he consents to this request.

This is counsel for the parties' first application for an extension of time as aforesaid.

Respectfully Submitted,

By: /s/ Edward G. Williams
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